

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda June 11, 2013 7:00 P.M.

Call to Order/Roll Call of Council Members

Invocation given by Acting City Clerk, Marbelys Fatjo

Pledge of Allegiance led by Councilwoman Katharine E. Cue-Fuente

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations

- (1) Certificates of Appreciation presented to the artists who displayed their art at the Milander Center for the Grand Opening weekend.
 - Carlos "Junk" Lainez
 - Floyd the Rock Artist
 - Antonio Fortuna
 - Goodlet Adult Center
 - Wilde Community Center
 - Villa Aida Adult Center
- (2) Certificate of Appreciation presented to Ana Infante for her dedication and service to the City's Personnel Board during the past nine years.

1. Announcement of Amendments/Corrections to the Agenda -
2. Consent Agenda –
 - A. Request permission to increase purchase order # 2013-1958, since it is advantageous to the City, issued to Federal Security of America, LLC, for unarmed uniformed security guard services for the 36-Unit Elderly Housing Project, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
 - B. Request permission to increase purchase order # 2013-1901, since it is advantageous to the City, issued to Federal Security of America, LLC, for unarmed uniformed security guard services for the 72-Unit Elderly Housing Project, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$40,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
 - C. Request permission to increase purchase order # 2013-1347, since it is advantageous to the City, issued to Build Choice Restoration LLC, for final repairs made and extra work required by the City's Building Department for the Milander Auditorium which changed the scope of work causing an increase to the original contract amount, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$782,255.41. (CONSTRUCTION AND MAINTENANCE DEPT.)
 - D. Request permission to increase purchase order # 2013-1327, since it is advantageous to the City, issued to Miami-Dade County Public Schools, for additional student registration into the City's Education and Community Services 21st Century after-school Young Leaders with Character program this year at three of the afterschool sites, in the amount of \$3,060.50, for a new total cumulative amount not to exceed \$20,610.50. (DEPT. OF EDUCATION AND COMMUNITY SERVICES)
 - E. Request permission to reject bid # 2012/13-3230-00-026 for roofing and lightweight insulating concrete for Fire Station No. 3, and reject bid # 2012/13-3230-00-027 for roofing and lightweight insulating concrete for Fire Station No. 7, because the bids received were too high. Additionally, the department requests permission to waive competitive bids and obtain quotes for this project, and return to Council with new prices for review and approval. (FIRE DEPT.)
 - F. Request permission to increase purchase order # 2013-632, 2013-641, 2013-643, 2013-642, and 2013-183, since it is advantageous to the City, issued to Ambu, Inc.; Henry Schein, Inc.; Bound Tree Medical, LLC; Midwest Medical Supply Company, LLC; and QuadMed, Inc., for the purchase of medical supplies, by an additional amount of \$35,000, for a new total cumulative amount not to exceed \$185,000. (FIRE DEPT.)
 - G. Request permission to utilize waive competitive bids, since it is advantageous to the City, and issue a purchase order to Tessco Technologies, Inc., to purchase three (3) Sinclair 4 channel hybrid ferrite repeater combiners model TC4214, based on GSA Schedule 70

pricing quote # 2294932-060313, for a total cumulative amount for equipment not to exceed \$17,843.22. (FIRE DEPT.)

- H.** Request permission to issue a purchase order to Motorola Solutions, Inc., sole source vendor, to purchase ten (10) Motorcycle radios to replace outdated equipment, for a total cumulative amount for equipment not to exceed \$41,995. (FIRE DEPT.)
- I.** Request permission to increase purchase order 2013-671, since it is advantageous to the City, issued to Sun Belt Hydraulics & Equipment, Inc. d/b/a Sunbelt Waste Equipment, to purchase recycle truck parts, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (FLEET DEPT.)
- J.** Request permission to increase purchase order 2013-675, since it is advantageous to the City, issued to Rechten International Trucks, Inc., to purchase truck parts and accessories, by an additional amount of \$25,000 for a new total cumulative amount not to exceed \$85,000. (FLEET DEPT.)
- K.** Request permission to increase purchase order 2013-218, since it is advantageous to the City, issued to TPH Acquisition LLLP d/b/a The Parts House, to purchase automotive parts and accessories for City vehicles, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (FLEET DEPT.)
- L.** Request permission to increase purchase order 2013-693, since it is advantageous to the City, issued to Fedan Corp. d/b/a Fedan Tire Company, to purchase recap tires for City trucks and vehicles, by an additional amount of \$50,000 for a new total cumulative amount not to exceed \$150,000. (FLEET DEPT.)
- M.** Proposed resolution authorizing the Mayor and/or his designee to receive an award, in the amount of \$250,000.00, and to execute any and all documents, from the State of Florida Department of Elder Affairs, under the Alliance for Aging, Inc., for the provision of Congregate Meals at eleven sites throughout the City from July 1, 2013 to June 30, 2014 and further authorizing the Mayor or his designee on behalf of the City of Hialeah, Florida to execute an agreement with the Hialeah Housing Authority for the provision of these services. (GRANTS AND HUMAN SERVICES)
- N.** Proposed resolution authorizing the Mayor and the City Council of the City of Hialeah, Florida authorizing the Mayor or designee to renew Builders Risk Insurance Coverage with Zurich American Insurance Company through the City's current property insurance agent Keen, Battle Mead & Company from June 27, 2013 to December 27, 2013 in an estimated amount not to exceed \$76,985.44 for the Hialeah Reverse Osmosis Water Treatment Plant. (RISK MANAGEMENT)
- O.** Request permission to explore re-negotiation with United Healthcare, Inc. at more favorable terms or explore the opportunities available through the RFP process, and request permission to retain Pinetree Capitol, LLC d/b/a Pinetree Benefit Solutions to serve as the City's insurance broker/consultant for the City of Hialeah Health Self-Funded Plan currently being administered by United Healthcare, Inc., effective July 1st, 2013. (RISK MANAGEMENT)

3. First reading of proposed ordinance of the Mayor and the City Council of the City of Hialeah, Florida amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 34. Hialeah Park District, of the Code of Ordinances, by revising Hialeah Code § 1630.13 entitled "Permitted Uses, Limitation and Prohibitions" to provide for State-Sanctioned Casino Gambling and related activities, convention and exhibition facilities, medical and dental offices and providing an expanded definition of Equestrian Hospital and Training Facilities and miscellaneous revisions; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date.
4. First reading of proposed ordinance approving the Development Agreement by and among Bal Bay Realty Ltd, a Florida Limited Partnership, South Florida Racing Association, LLC, a Florida Limited Liability Company and the City of Hialeah, Florida, a copy of which is attached hereto and made a part hereof as Exhibit "1". Property comprising an area having East 32 Street as its northern boundary, having East 4 Avenue as its eastern boundary, having East 21 Street as its southern boundary and having Palm Avenue as its western boundary; all located in Hialeah, Florida. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION).
5. First reading of proposed ordinance amending Hialeah, Fla., Ordinance 12-30 (May 24, 2012) that approved the Okeechobee Metrorail Station Transit-Oriented Development Lease Agreement between Miami-Dade County, Florida and the City of Hialeah, Florida for 99 years to increase the number of senior affordable housing units for development, ancillary uses and parking, from 100 units to 180 units, comprising of three phases of 60 units, with each phase to be completed in successive three-year periods, in the amount of \$1.00; and authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the city, to enter into the lease agreement between the City, as tenant, and Miami-Dade County, Florida, as landlord, in a form acceptable to the City Attorney, and execute any and all documents in furtherance therewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (DEPT. OF GRANTS & HUMAN SERVICES)
6. First reading and proposed ordinance accepting the offer from the Graham Companies to sell a 2.52-acre unimproved parcel of land comprising of four well sites connected by an access road to serve the Hialeah Reverse Osmosis Water Treatment Plant, consisting of approximately 109,900 square feet of total area, located North of NW 170 Street, along the east side of the Florida Turnpike right-of-way, in unincorporated Miami-Dade County, for the sum of \$300,000.00 and ratify the contract for the sale and purchase of the property with the seller, The Graham Companies, a copy of which is attached hereto and made a part hereof as Exhibit "1"; and authorizing the expenditure of such funds, shared equally by Miami-Dade County, to purchase the property, including the purchase price, agreed-upon closing costs and fees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (DEPT. OF WATER & SEWERS)

7. First reading of proposed ordinance amending Chapter 74 entitled "Signs" of the Code of Ordinances and in particular, amending Article I. entitled "In General", amending section 74-1 "Definitions" amending the definition of banner sign to include flag, sail, teardrop, and feather banners; amending Article III. entitled "Regulations", Division 1. "Generally", specifically amending section 74-146 "Prohibited Signs and Sign Devices" to exempt certain banner signs from prohibited fluttering, spinning or other similar devices; amending section 74-148 "Temporary Signs" renaming the section "Specific Purpose Signs" and deleting provisions for banner signs therein; amending Division 3. entitled "District Regulations", specifically amending section 74-218 "Signs in other Districts" adding a new subsection (6) entitled "Banner Signs" and providing new regulations for banner signs including duration of display, location, maximum height, width, number, permit application, maintenance and enforcement; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

8. Board Appointments

- a. Proposed resolution appointing Patrick Carnevale to the Personnel Board of the City of Hialeah, as the City Council appointment, for the remainder of a two (2) year term ending on June 26, 2014.
- b. Proposed resolution appointing Norberto Alvarez to the Personnel Board of the City of Hialeah, as the IAFF/PBA appointment, for a two (2)-year term ending on June 26, 2015.
- c. Proposed resolution reappointing Grecia Ferro Ameneiro to the Personnel Board of the City of Hialeah, as the Mayor's appointment, for a two (2)-year term ending on June 26, 2015.
- d. Proposed reappointing Zoraya R. Pena to the Personnel Board of the City of Hialeah, as the Mayor's appointment, for a two (2) year term ending on June 26, 2015.
- e. Proposed resolution reappointing Bryan Avila as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2015.
- f. Proposed resolution reappointing Daisy Castellanos as a member of the Planning and Zoning Board for the remainder of a two (2)-year term ending on June 28, 2014.
- g. Proposed resolution reappointing Diego Perez as a member of the Planning and Zoning Board for the remainder of a two (2)-year term ending on June 28, 2015.
- h. Proposed resolution reappointing Ovidio J. Perez as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2015.

9. Unfinished Business

10. New Business

- a. Discussion about Council recess in the month of July 2013. Next Council Meeting is scheduled for August 13, 2013.

11. Comments and Questions

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1.** Second reading of proposed ordinance granting a variance permit to allow a single family home on a substandard-sized lot having a width of 50 feet, where a minimum average width of 75 feet is required, and a total area of 6,918 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah code § 98-499. Property located at **197 West 33 Street, Hialeah, Florida**. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Eco Hialeah, LLC. c/o Eugenio Lage)
- PZ 2.** Recommendation of denial from the Planning and Zoning Board for **rezoning** from R-1 (One Family District) to R-2 (One and Two Family Residential District) and consider granting a variance permit to allow lot coverage of 34% (maximum of 30% allowed) and allow the following existing setbacks: For front unit: East side of 5.30' (7.5' required). For rear unit: Rear of 6.55' (25' required), east side of 5.35', west side of 5.5' (7.5' required for porch). Property located at **308 East 43 Street, Hialeah**. (Applicant: Grisselle Freijo Cantrell) (*ITEM WAS TABLED ON MAY 14, 2013 and MAY 28, 2013*)

FINAL DECISIONS

- FD 1.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 13-06 that granted adjustments on property located at **4041 West 6 Court, Hialeah, Florida**, on condition that the improvements built without the benefit of a building permit be legalized within 180 day and the terrace remain screened-in only; and providing for an effective date. (Applicant: Victor Delgado and Mayra Trujillo)
- FD 2.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 13-07 that granted an adjustment on property located at **8296 West 18 Avenue, Hialeah, Florida**; and providing for an effective date. (Applicant: Maria E. Brackett & George B. Brackett)

NEXT CITY COUNCIL MEETING: June 25, 2013 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: August 27, 2013 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).